

File copy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

SADRICK DONALDSON,

Plaintiff,

-VS-

UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION # 04-257E

Magistrate Judge Baxter
Judge McLaughlin

OBJECTION TO THE TAKING OF DEPOSITION

1. NOW COMES THE PLAINTIFF, Sadrick Donaldson, Pro Se (Plaintiff); and hereby files his Objections to the United States taking deposition with respect to the above referenced cause of action. Same is/was to have begun, and did, on May 5, 2005, at FCI Allenwood, Route 15N, Lewisburg (sic), PA 17887 (sic). To wit, the place of Plaintiff's incarceration, or FCI Allenwood, Route 15N, White Deer, PA 17887-2000.

2. Plaintiff is presently continuing his research into the propriety of the taking of a deposition of himself by the Defendant for Discovery. Plaintiff understands that he is, as a party, subject to the taking of a Deposition; though the manner and means for doing so is presently beyond his expertise and he is continuing his research into same.

3. However, it is understood by the Plaintiff that the subject matter is to be outlined in a set of questions which will be used at the Deposition. In the present cause, while the Defendant

makes a superficial and categorical type of Notice, Plaintiff could not be expected to adequately assure he is/was prepared with documentation. And it is not fair to expect him to provide everything he has when it could well not even be relevant to the question(s).

4. Moreover, the Plaintiff was not served with a Court Order granting the Defendant Leave to depose him. To wit:

A party must obtain leave of court, which shall be granted to the extent consistent with the principles stated in Rule 26(b)(2), if the person to be examined is confined in ~~p~~rison or if, without the written stipulation of the parties.

Fed. Rules of Civil Procedure, Rule 30(a)(2). (Emphasis and bold added).

5. But, notwithstanding the above, the timing of the "Notice" is clearly prejudicial to Plaintiff. The date on the faxed copy received here at the prison is May 02, 2005. (See: Ex. A). And, Plaintiff received the Notice on May / 5th /, 2005; not leaving anything even resembling adequate time to prepare for the Deposition.

6. Also, the date picked for same shows that the Defendant is/was attempting to abuse the Civil Procedures; as it was the day prior to Magistrate Judge Baxter's original May 6, 2005 cut-off for certain materials being filed of the Court. And as a deposition (oral) is to afford the other party an opportunity to ask questions also, Plaintiff would never have been able to properly assimilate the materials into his court filings.

7. Which is additional support for the Plaintiff's pending Motion for a ninety (90) day extension for discovery purposes.

Not to mention that Plaintiff did not have the assistance of an attorney or any other person to help him with the questions asked. Nor did he have an opportunity to ask questions of his own.

8. Finally, Plaintiff also files these Objections as the Defendant informed him that the Deposition would resume later. To date, this has not transpired, but Plaintiff has no further desire or intent to be deposed without a Court Order directing same. If the Court should grant leave for further deposing, Plaintiff respectfully seeks the Court to require the Defendant to submit an exhibit with the scope and sample questions for Plaintiff to review prior to the deposition recommencing.

9. Also, Plaintiff respectfully submits the Court should revisit his Motion for Appointment of Counsel; or direct the Defendant to make provisions for a fellow prisoner to accompany Plaintiff to help explain the inquiries and possibly help determine if they are proper.

10. WHEREFORE PETITIONER PRAYS, that this Honorable Court will enter a Stay of the Defendant's Deposing of Plaintiff until the above set forth Objections are cured.


Respectfully Submitted,



SADRICK DONALDSON, Pro Se
Fed. Reg. No. 20120-018
FCI Allenwood (Medium) Unit 4-B
P.O. Box 2000
White Deer, PA 17887-2000

DECLARATION

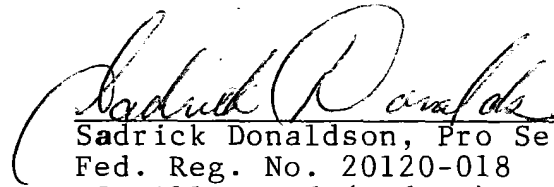
I, Sadrick Donaldson, hereby declare and affirm, under the penalty of perjury pursuant to 28 U.S.C. §1746(2), that the foregoing pleading is true and correct to the best of my knowledge and recollection, this 5th day of June, 2005.


Sadrick Donaldson, Pro Se
Fed. Reg. No. 20120-018
FCI Allenwood (Medium)
P.O.Box 2000, 4-B
White Deer, PA 17887-2000

CERTIFICATE OF SERVICE

I, Sadrick Donaldson, hereby certify that a true and correct copy of the foregoing pleading was served, by first-class postage prepaid placement in the institutional legal mailbox, this 5th day of June, 2005, addressed to:

- | | |
|---|--|
| 1. Clerk of the Court
U.S.D.C. for W.D. PA
Fed. Bldg. & U.S. Cthse.
617 State Street
Erie, PA 16501 | 2. Paul E. Skirtich
Asst. U.S. Attorney
U.S.P.O. & Cthse.
700 Grant St., Ste. 400
Pittsburgh, PA 15219 |
| 3. Roberto Gonzalez
Attorney General of U.S.
Main Justice Building
Tenth & Constitutional Ave., N.W.
Washington, DC 20530 | |


Sadrick Donaldson, Pro Se
Fed. Reg. No. 20120-018
FCI Allenwood (Medium)
P.O. Box 2000, 4-B
White Deer, PA 17887-2000

Date: 10-20-05

To:

Clerk of the Court
United States District Court
For the Western District of Pennsylvania,

Civil Action No: 04-257E Donaldson V. U.S.

Dear Clerk:

Please find enclosed one original and extra copy of the following:

- 1.) OBJECTION TO THE TAKING OF DEPOSITION
- 2.) NOTICE OF TAKING DEPOSITION (EXHIBIT A-1)

Send me a copy of objection & Notice of Taking Deposition.

Service has been made on the U.S. Attorney.

Also, please file stamp the file stamp copy and return them in the self addressed stamped envelope provided.

Thank You.

Sincerely Yours

Sadrick Donaldson Pro Se
Sadrick Donaldson Pro Se
P.O. Box 2000
White Deer, PA 17887

Date: 10-20-05

To: Clerk of Court:

I sent this

- 1.) OBJECTION TO THE TAKING OF DEPOSITION
- 2.) NOTICE OF TAKING DEPOSITION (EXHIBIT A-1)

on May 5, 2005 it was not on the docket sheet. Could you please file this. And send me a copy of the docket sheet.

Thank You.

Sincerely Yours

Sadrick Donaldson Proctor

Sadrick Donaldson

P.O. Box 2000
White Deer, PA 17887